

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4688 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
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GUJARAT RAJYA NAGAR PRASTHMIK SHIKSHAK SANGH & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AD MITHANI for Petitioners  
MR NIGAM SHUKLA for Respondent No.1  
None present for other Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/08/96

#### ORAL JUDGMENT

Heard learned counsel for the parties. The grievance of the petitioners is that the respondent-Municipality is not paying salaries to its members regularly and in time, in accordance with the Circulars and orders of the Government. A further direction has been prayed that the respondent No.2 and 3 be directed to credit their contribution against the grant in accordance with the provisions of the Bombay Primary Education Act and the Rules, in the fund concerned in time.

2. This petition has been filed in the year 1983 and now after 13 years whether any grievance survives or not

is to be given out by the learned counsel for the petitioners. The learned counsel for the petitioner is unable to make any submission in this respect. He states that even today, the respondent would not have made the payment of salary in time to its employees. But on such vague statement without any foundation for the same, it is difficult to accept this contention. The learned counsel for the petitioners submit that direction be issued to the respondents as prayed in this writ petition. But such directions can be given only when there is concrete case made out by the petitioners. It is a case of the employees to pay them salary within time as prescribed for the payment thereof. Merely for some administrative reasons some delay has been caused in payment of salary for some month, same cannot be said to be arbitrary or unreasonable which warrants any interference of this Court. Each case has to be decided on its facts and delay made in making payment of salary to the individuals has to be considered. The grievance of the nature made by the Union in the present case cannot be accepted without there being real prejudice caused to the persons concerned, which is not the case here.

3. Taking into consideration the totality of the facts of the case, I do not find any substance in this Special Civil Application and the same is therefore dismissed. Rule is discharged. No order as to costs.

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(sunil)